IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 32381 of 2006(E)

PETITIONER:

S.SAINUDHEEN, SUPER TIME SCALE
DISTRICT JUDGE (ADDITIONAL) & UNIVERSITY
APPELLATE TRIBUNAL, QUARTERS NO.8,
JAWAHAR NAGAR, KAWADIYAR, THIRUVANANTHAPURAM.

BY ADV. SRI.K.RAMACHANDRAN
SMT.A.R.DIVYA
SMT.R.MEERA

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   COLLECTORATE, THIRUVANANTHAPURAM.

2. **P.S.GOPINATHAN, SECRETARY TO GOVERNMENT,**
   LAW DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

3. **THE SECRETARY, PUBLIC WORKS DEPARTMENT,**
   GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

R1 & R3 BY ADVOCATE GENERAL
BY SR. GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.32381/2006 E

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PROCEEDINGS OF THE FIRST RESPONDENT NO.A7/32506/05/K.DIS. DTD. 7/05/2005.**

EXT.P2: **COPY OF LETTER DTD. 26/08/06 SENT BY THE PETITIONER TO THE THIRD RESPONDENT.**

EXT.P3: **COPY OF THE LETTER OF REQUEST FROM THE FIRST RESPONDENT TO THE PETITIONER DTD. 6/10/06.**

EXT.P4: **COPY OF THE ABOVE G.O.(RT) NO.684/06/PWD DTD. 11/09/06.**

EXT.P5: **COPY OF THIS ORDER G.O.(MS) NO.177/95/HOME DTD. 18/07/95 ISSUED BY THE HOME DEPARTMENT OF GOVERNMENT OF KERALA.**

EXT.P6: **COPY OF THE RULES FOR THE ALLOTMENT AND OCCUPATION OF GOVERNMENT SERVANTS' QUARTERS IN KERALA, 1975.**

EXT.P7: **COPY OF G.O.(MS) 11/2006/PWD DTD. 28/02/2006.**

EXT.P8: **COPY OF THIS REPRESENTATION SENT TO THE HON'BLE MINISTER FOR P.W.D. DTD. 15/09/2006.**

EXT.P9: **COPY OF THE PETITIONER'S LETTER TO THE FIRST RESPONDENT REQUESTING HIM TO WITHDRAW EXT.P3 PROCEEDINGS, DTD. 10/10/06.**

EXT.P10: **COPY OF LETTER NO.A7-65344/06 DTD. 2/12/2006 SENT BY THE FIRST RESPONDENT.**

/TRUE COPY/

P.S.TO JUDGE

KSS

V.GIRI, J.

W.P.(C).No.32381 of 2006 E

Dated this the 20th day of November, 2007.

JUDGMENT

Petitioner, who is a Senior District Judge, challenges Exts.P3, P4 and P10 orders. By Ext.P3, petitioner was requested to vacate Quarter No.8 at Jawahar Nagar, Thiruvananthapuram on the premise that the same was allotted to the new Law Secretary. Ext.P4 is an order evidencing allotment of the said quarter to the said Law Secretary, who is the 2nd respondent. Ext.P10 is a further communication issued by the District Collector to vacate the quarter immediately. The direction to vacate the quarter was stayed by this court and the stay has been extended from time to time.

2. In my view, it is not necessary to go into the contentions raised by the petitioner on account of the fact that the petitioner is due to retire on superannuation on 31.1.2008.

3. Learned counsel for the petitioner Mr.Ramachandran submits that quarters No.8

Jawahar mentioned in Ext.P4 will be vacated latest by 10.2.08. This submission is recorded.

Writ petition is disposed of permitting the petitioner to remain in the quarters in question viz. Quarter No.8 in Jawahar Nagar till 10.2.08. I record the undertaking given on behalf of the petitioner that he shall vacate the quarters latest by 10.2.08.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//